

**DRAFT STATEMENT OF OVERRIDING CONSIDERATIONS**  
**(Section 15093, State CEQA Guidelines)**

The Board of Supervisors, in approving the Bakersfield Metropolitan (Bena) Sanitary Landfill Supplemental Environmental Impact Report concludes that the significant environmental effects have been reduced to an "acceptable level" (CEQA Section 15093(a)). As used herein, the term "acceptable level" means that: 1) all significant environmental effects that can feasibly be avoided have been eliminated or substantially lessened, as determined through findings listed pursuant to CEQA Section 10901, and 2) any remaining unavoidable adverse environmental effects are found acceptable as the benefits of the proposed project outweigh these adverse effects.

The following unavoidable environmental risks have been identified in the final Supplemental Environmental Impact Report. These impacts are inherent in approval of the project for which this statement of Overriding Considerations is made.

1. Increased on-site and off-site emissions of NO<sub>x</sub> from mobile sources and landfill gas flair. (Air Quality)
2. Cumulative increase in ozone precursors (Reactive Organic Gas and NO<sub>x</sub>). (Air Quality)
3. Cumulative increased Fugitive Dust Emissions (PM<sub>10</sub>) from Landfill Construction and Operations. (Air Quality)

The project would result in the generation of air pollutants in the immediate vicinity of the site and along access roads, and would incrementally add to cumulative emissions. The project would significantly add to ozone precursor emissions on a regular basis, and on a local basis would incrementally add to PM<sub>10</sub> emissions. Overall, the project's contribution to cumulative air quality conditions is considered to be significant because, with cumulative development, the proposed expansion would be likely to contribute to violations of air quality standards. When project operational impacts are added to impacts from cumulative development, the total emissions will remain above the San Joaquin Valley Air Pollution Control District's recommended significance thresholds and inhibit regional attempts to achieve attainment of air quality standards.

**SUPPORTING STATEMENT**

At present, the Bakersfield Metropolitan (Bena) Sanitary Landfill accepts solid non-hazardous and inert wastes generated in the Bakersfield metropolitan area. The existing waste management unit is expected to reach capacity in 2004 (KCWMD, *January 1999 Capacity Study - Kern County Sanitary Landfills*, 1999). As a result, a new waste management unit is required at the landfill so that proper disposal of solid wastes can continue for the Bakersfield metropolitan area.

The "no project" alternative requires landfilling at a different location or some other method of waste disposal. The "no project" alternative is considered unacceptable since (1) the continued generation of waste would result in the premature closure of the nearest landfill (Shafter-Wasco Sanitary Landfill)(KCWMD, 1999), (2) the Solid Waste Facilities Permit for this landfill would not permit the incoming daily quantities of waste that would result (Shafter-Wasco Solid Waste Facility Permit, 1999), and (3) many adverse environmental effects could result, such as: increase transportation costs, increased traffic, greater air quality and noise impacts, and the potential for greater illegal dumping (KCWMD, *Bakersfield Metropolitan (Bena) Sanitary Landfill Final Supplemental Environmental Impact Report*, 2000, sections 4.0 and 5.2).

Should a new waste management unit at the Bakersfield Metropolitan (Bena) Sanitary Landfill fail to become operational prior to the existing waste management unit reaching capacity, the adverse environmental impacts associated with the lack of a disposal facility for the Bakersfield metropolitan area far outweigh any adverse environmental impacts associated with the proposed project. The adverse environmental impacts associated with having no facility in which to dispose of solid wastes would include risks to public health and safety (KCWMD, 2000, section 4.11). CCR Title 27 defines "solid wastes" to include all putrescible and nonputrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Accumulation of these wastes during any time period in excess of the normal collection and disposal period allowed by law would result in a threat to public health and safety and must be disposed of properly (County Ordinance, Section 8.28.060). The health related reasons supporting this claim would include, but not be limited to, the spread of disease through the propagation and harborage of rodents, flies and other vectors, fumes and odors, fire, and threat of contamination of ground and surface waters.